

REMARKS

This application has been carefully reviewed in light of the Office Action dated September 11, 2003. Claims 1 to 7 and 9 to 28 are in the application, with Claims 23 to 27 being withdrawn from consideration pursuant to a restriction requirement. Claim 1 is the sole independent claim. Favorable consideration is respectfully requested.

Non-elected Claim 29 has been cancelled without prejudice to or disclaimer of the subject matter recited therein and without prejudice to Applicants' right to present this claim in a later-filed division.

Claims 1 to 7, 9 to 22 and 28 were rejected under 35 U.S.C. §112, first paragraph, for lack of written description support. This rejection is believed to be obviated by the amendment to Claim 1. Applicants submit that the subject matter of amended Claim 1, together with the subject matter of its dependent claims, is fully supported by the specification. See, for example, page 21, line 25 to page 22, line 5 of the instant specification.

Claims 1 to 7, 9 to 22 and 28 were rejected under 35 U.S.C. §112, second paragraph. In response, Applicants have carefully reviewed and amended Claim 1 to attend to the issues raised in the Office Action. With regard to the term "sheet-like shape," Applicants submit that one skilled in the art would understand the scope of this term when read in light of the specification. See, for example, page 21, line 25 to page 22, line 5 of the instant specification.

Claims 1 to 3, 14, 15, 21, 22 and 28 were rejected under 35 U.S.C. § 102(b) over GB 1 358 345 (GB '345); Claims 4 to 7, 9, 12, 13 and 18 to 20 were rejected under 35 U.S.C. § 103(a) over GB '345 in view of U.S. Patent No. 4,936,070 (Michaud); and Claims 10,

11, 16 and 17 were rejected under 35 U.S.C. § 103(a) over GB '345 and Michaud, in view of DE 29801546 (DE '546). The rejections are respectfully traversed.

The present invention concerns a facing material which includes a plurality of flame resistive fibers and a filler. The plurality of flame resistive fibers has a sheet-like shape with first and second surface sides, and includes a waterproofing layer and a flame resistive layer. The waterproofing layer is formed by impregnating a portion of the first surface side with filler. The flame resistive layer includes a portion of the second surface side not impregnated with the filler.

GB '345 is not seen to teach or suggest at least the feature of a waterproofing layer formed by impregnating a portion of a first surface side of a plurality of flame resistive fibers with filler. The Office Action alleges that GB '345's facing 36 corresponds to the waterproofing layer of the present invention. However, GB '345's facing 36 is not formed by impregnating a surface side of a plurality of flame resistive fibers with filler. Rather, the facing 36 is adhered to the glass fiber blanket 24 using an adhesive. See page 4, lines 5 to 7 of GB '345.

GB '345 also is not seen to teach or suggest the feature of a flame resistive layer which includes a portion of a second surface side of a plurality of flame resistive fibers not impregnated with the filler. It is Applicants' understanding that GB 345's binder is impregnated into the entire glass fiber blanket 24. See page 3, lines 69 to 71 of GB '345.

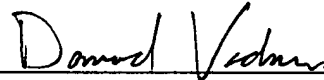
Michaud and DE '546 are not seen to add anything that would remedy the deficiencies of GB '345. Applicants therefore conclude that the applied documents do not teach or suggest the claimed invention either singly or in the combinations proposed by the Office Action, and it is respectfully requested that the Section 102 and 103 rejections be withdrawn.

With regard to non-elected Claims 23 to 27, rejoinder of these claims pursuant to MPEP § 821.04 is respectfully requested.

Turning to a formal matter, Applicants have not yet received an indication that the documents cited in the Information Disclosure Statement dated June 1, 2001, have been considered and made formally of record. It is respectfully requested that the Examiner indicate that the documents have been considered and made formally of record by returning an initialled copy of the Form PTO-1449 that accompanied the Information Disclosure Statement. A copy of the Form PTO-1449 is enclosed, for the Examiner's convenience.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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